

Attorney Docket No. H053778.0020US0

SOLE/Joint INVENTOR
ORIGINAL/SUBSTITUTE/CIP**DECLARATION**

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BATH LIFTING SYSTEM

as described in the specification [X] attached or [] of patent Application Serial No. _____ filed _____ and amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application; and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

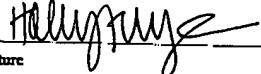
I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificates listed below and have also identified below any foreign application(s) having a filing date before that of the application(s) on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35 United States Code § 120 of any United States application(s) listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States Application, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: which is a CIP of US Application No. 10/703,942, filed November 7, 2003, which is a CIP of US Application No. 10/254,358, filed 09/25/2002, which is a CIP of US Application No. 10/085,197, filed 02/27/2002, which is a CIP of US Application No. 09/550,307 filed 04/14/2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF JOINT INVENTOR MARY FRANCES SHERLOCK	INVENTOR'S SIGNATURE <i>Mary Frances Sherlock</i>	DATE 4/19/04
RESIDENCE Kerrville, Texas	CITIZENSHIP US	
MAILING ADDRESS 2320 Rock Creek, Kerrville, Texas 78028		
FULL NAME OF JOINT INVENTOR RAINER KUENZEL	INVENTOR'S SIGNATURE <i>Rainer Kuenzel</i>	DATE 4/19/04
RESIDENCE Hunt, Texas	CITIZENSHIP DE (Germany)	
MAILING ADDRESS 305 Japonica Road, Hunt, Texas 78024		

CERTIFICATE OF MAILING 37 C.F.R. 1.10	
"Express Mail" Mailing Label Number: <u>EU99022603US</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service with sufficient postage on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name of Person Signing Certificate:	<u>Holly Tuyman</u>
Date	<u>04/19/2004</u>
Signature 	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: § Confirmation No.:

MARY FRANCES SHERLOCK
RAINER KUENZEL

Filed: § Art Unit:

Serial No.: § Examiner:

For: BATH LIFTING SYSTEM § Docket No.: H053778.0020US0

§ Customer No.: 01200

POWER OF ATTORNEY BY ASSIGNEE

Under the provisions of 37 C.F.R. §§ 3.71 and 3.73(b), the undersigned assignee of record of the entire right, title and interest in the above-identified patent/patent application by virtue of an assignment recorded (check as applicable):

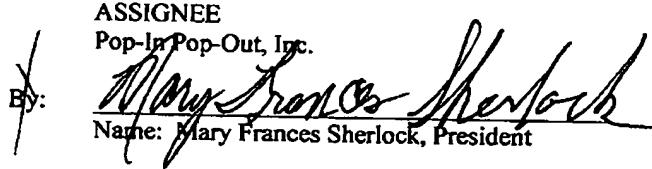
[X] Concurrently Herewith
 Date Recorded _____
 Reel _____ Frame _____

elects to conduct the prosecution of the application/maintenance of the patent to the exclusion of the named inventor(s) or previous assignee(s). The undersigned hereby declares that she is an officer of Assignee and has reviewed the above-referenced assignment and hereby declares that, to the best of her knowledge, title is in the Assignee, Pop-In Pop-Out, Inc. and further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true. The Assignee hereby revokes any previous powers of attorney and appoints the following to prosecute this application, maintain this patent and transact all business in the Patent and Trademark Office connected therewith:

Richard D. Fladung, Reg. No. 30,834
 Richard A. Schafer, Reg. No. 45,078
 Tara M. Williams, Reg. No., 53,777

Please direct all communications to: **AKIN GUMP STRAUSS HAUER & FELD LLP**,
 1111 Louisiana, 44th Floor, Houston, Texas 77002, (713) 220-5800, FAX: (713) 236-0822, to the attention of: Richard D. Fladung.

Date: 04/19/04

By: 

ASSIGNEE
Pop-In Pop-Out, Inc.

Name: Mary Frances Sherlock, President

PATENT OWNERSHIP CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

In re Application of: Mary Frances Sherlock, et al

Application No.: Unknown

Filed:

For: **BATH LIFTING SYSTEM**

Name of Assignee: Pop-In Pop-Out, Inc.

Type of Assignee: Corporation

(i.e. one person, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent [application] identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s) of the patent [application] identified above, to the current assignee as shown below:

1. From: Mary Frances Sherlock and Rainer Kuenzel
To: Pop-In Pop-Out, Inc.

The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____ or for which a copy hereof is attached.

2. From: _____
To: _____

The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____ or for which a copy hereof is attached.

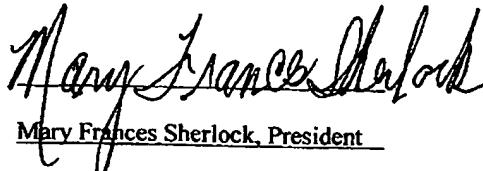
Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent [application] identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature:



Name:

Mary Frances Sherlock, President

Date:

4/19/04

ASSIGNMENT

WHEREAS, we, Mary Frances Sherlock and Rainer Kuenzel, are joint inventors of BATH LIFTING SYSTEM application for United States Letters Patent which is executed of even date herewith; and

WHEREAS, Pop-In Pop-Out, Inc. , a corporation created and existing under and by virtue of the laws of the State of Texas, is desirous of acquiring the entire right, title and interest in and to the aforesaid invention throughout the world, and all right, title and interest in, to and under any and all Letters Patent of the United States and all other countries throughout the world;

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) to us in hand paid by Pop-In Pop-Out, Inc. and for other good and valuable considerations, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over to Pop-In Pop-Out, Inc. , all right, title and interest in and to the said invention throughout the world, and said application for U.S. Letters Patent, and any and all divisions, continuations, reexaminations and reissues thereof, and any and all Letters Patent of the United States and foreign countries which may be granted therefor, the same to be held and enjoyed by Pop-In Pop-Out, Inc. for its own use and benefit, and for the use and benefit of its successors, assigns, or other legal representatives, to the end of the term or terms for which said Letters Patent of the United States or foreign countries are or may be granted, reexamined or reissued, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States on said invention or resulting from said application and from any and all divisions, continuations, and reissues thereof, to Pop-In Pop-Out, Inc. , as assignee of our entire interest, and hereby covenant that we have the full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith.

And we further hereby covenant and agree that we will, at any time, upon request, execute and deliver any and all papers that may be necessary or desirable to perfect the title of said invention and to such Letters Patent as may be granted therefor, to Pop-In Pop-Out, Inc. , its successors, assigns, or other legal representatives and that if Pop-In Pop-Out, Inc. , its successors, assigns or other legal representatives shall desire to file any divisional or continuation applications or to secure a reexamination or reissue of such Letters Patent, or to file a disclaimer relating thereto, will upon request, sign all papers, make all rightful oaths and do all lawful acts requisite for the filing of such divisional or continuation application, or such application for reissue and the procuring thereof, and for the filing of such disclaimer, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

And we do further covenant and agree that we will, at any time upon request, communicate to Pop-In Pop-Out, Inc. , its successors, assigns or other legal representatives, such facts relating to said invention and Letters Patent or the file history thereof as may be known to us, and testify as to the same in any interference or other litigation when requested so to do, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

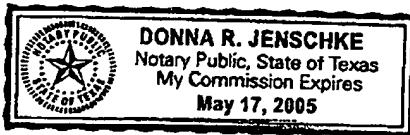
EXECUTED THIS 19 day of April, 2004.

Mary Frances Sherlock
MARY FRANCES SHERLOCK

STATE OF TEXAS §
 §
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared MARY FRANCES SHERLOCK, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 19 day of April, 2004.



Donna Jenschke
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

* * * * *

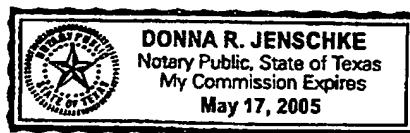
EXECUTED THIS 19 day of April, 2004.

Rainer Kuenzel
RAINER KUENZEL

STATE OF TEXAS §
 §
COUNTY OF KERR §

BEFORE ME, the undersigned authority, on this day personally appeared RAINER KUENZEL, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 19 day of April, 2004.



Rainer Kuenzel
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS